

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-196-D

HAMPTON ALLEN MORRIS,)
)
Plaintiff,)
)
v.)
)
CITY OF LUMBERTON, and)
CHUCK LEAVITT,)
)
Defendants.)

ORDER

The court DISMISSES as moot defendants' first motion to dismiss [D.E. 14]. The court DENIES defendants' second motion to dismiss for failure to state a claim except that the court DISMISSES any official-capacity claim against Chuck Leavitt [D.E. 20]. Whether plaintiff's claims will survive a motion for summary judgment is an issue for another day.

SO ORDERED. This 16 day of April 2019.



JAMES C. DEVER III
United States District Judge